

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ESET, LLC and ESET, SPOL. S.R.O.,

Petitioners,

v.

FORTRESS INVESTMENT GROUP
LLC,

Respondent.

Miscellaneous Case No. 1:21-mc-197

(Related to Case No. 3:17-cv-00183-CAB-BGS,
pending in the Southern District of California)

**NOTICE OF MOTION TO COMPEL FORTRESS INVESTMENT
GROUP LLC TO COMPLY WITH SUBPOENA**

PLEASE TAKE NOTICE that upon the accompanying (i) Memorandum of Law and (ii) Declaration of Nicola A. Pisano, Esq., and the exhibits thereto, Petitioners ESET, LLC and ESET, SPOL. S.R.O. (“Petitioners”) will move this Court at the United States District Court, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an Order pursuant to Fed. R. Civ. P. 37 and Fed. R. Civ. P. 45, compelling third party Fortress Investment Group LLC (“Fortress”) to comply with subpoenas issued by Petitioners in the matter *Finjan LLC v. ESET, LLC, et al.*, 3:17-cv-0183-CAB-BGS (pending in the United States District Court for the Southern District of California) (hereinafter the “Underlying Action”), by producing documents, without objection, by dates certain to be set by the Court, and for such other and further relief as the Court deems just and proper.

This Motion is supported by the accompanying Memorandum of Law, the Declaration of Nicola A. Pisano, Esq., dated February 19, 2021, with the exhibits thereto, the record in the Underlying Action, the facts of which the Court may take judicial notice, and any other papers submitted in support of the Motion.

Dated: February 19, 2021

Respectfully submitted,

/s/ Nicola A. Pisano

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Attorneys for Petitioners

ESET, LLC and ESET, SPOL. S.R.O

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of records.

Dated: February 19, 2021

/s/ Nicola A. Pisano
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